



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

JAN 20 2005

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article Number: 7003 2260 0000 3247 0475**

Mr. Sayed Ali, On Site Representative  
Marianina Oil Corp.  
34 East Post Road  
White Plains, New York 10543

**Re: Field Citation: II-UST-FC-1022**

Dear Mr. Ali:

The U.S. Environmental Protection Agency (EPA) Region 2 is in receipt of your signed field citation referenced above and supporting compliance documents. By signing the field citation, you have agreed to the Compliance Order/Settlement Agreement and have certified that the violations have been corrected. We have also received your penalty payment in the amount of \$150.00 for the noted violation.

Enclosed you will find a copy of the field citation with the Compliance Order/Settlement Agreement signed as accepted and approved by EPA. EPA will take no further civil action against you for the violations listed in the Notice of Violation provided that the listed violations have been corrected. EPA has approved the settlement agreement based on your signed certification and supporting compliance documentation.

EPA may choose to re-inspect your facility; if you cannot make available records demonstrating compliance for review during the re-inspection, such failure will be your second violation of federal Underground Storage Tank (UST) regulations. A second offense may result in a civil action with penalties of up to \$11,000 per UST system per day of violation. In addition, as indicated in paragraph 2 of the settlement agreement, making a false submission to the United States Government is a criminal offense.

If you have any question regarding this letter or other related matter, please call Frank Spina of my staff at (212) 637-4277. Thank you for your cooperation.

Sincerely,

*For* Charles Hillenbrand, Ph.D, Chief  
Ground Water Compliance Section

Enclosure

cc: Robert Marino, Bureau Director  
Bureau of Technical Support  
NYSDEC  
625 Broadway  
Albany, New York 12233-7250





UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

290 Broadway, New York, NY 10007-1866

Notice of Violation and Compliance Order/Settlement Agreement - Field Citation No: II-UST-FC-1022

PART 1

NOTICE OF VIOLATION

On Dec. 22, 2004 at 12:30 PM  
(Date) (Time)  
at the Facility: Marianina Oil Corp (Amoco SS)  
located at: 34 EAST POST Road  
White Plains, NY  
Registration/permit number: 3-601177  
in the presence of the Owner/Operator/On-Site Representative  
Syed Ali, ON SITE REP

Title: \_\_\_\_\_  
an authorized representative of the United States Environmental Protection Agency (EPA) inspected this facility to determine compliance with underground storage tank (UST) regulations promulgated under Subtitle I of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), (42 U.S.C. § 6991 et seq.). During this inspection, the following violation(s) of the UST regulations were found with corresponding penalty amounts:

40 CFR 280. 44(a) Penalty: \$ 150.00  
Violation: Failure to conduct annual  
Test of the operation of ALLDS.

40 CFR 280. \_\_\_\_\_ Penalty: \$ \_\_\_\_\_  
Violation: \_\_\_\_\_

40 CFR 280. \_\_\_\_\_ Penalty: \$ \_\_\_\_\_  
Violation: \_\_\_\_\_

40 CFR 280. \_\_\_\_\_ Penalty: \$ \_\_\_\_\_  
Violation: \_\_\_\_\_

40 CFR 280. \_\_\_\_\_ Penalty: \$ \_\_\_\_\_  
Violation: \_\_\_\_\_

Proposed Penalty Total: \$ \_\_\_\_\_

I have personally observed the above violations of the underground storage tank regulations.

Frank Spina 12/22/04  
(Signature of EPA Inspector) (Date)

RECEIPT

I hereby acknowledge receipt of this Notice of Violation, Compliance Order/Settlement Agreement and Instructions.

Syed Ali 12/22/04  
(Signature of Owner, Operator or On-site Representative) (Date)  
SYED ALI  
(Print Name)

PART 2

COMPLIANCE ORDER/SETTLEMENT AGREEMENT

This Compliance Order/Settlement Agreement is not effective until signed both by the owner or operator and EPA. By signing this Settlement Agreement, the owner or operator agrees not to challenge the issuance of the Compliance Order and accepts the terms of the Settlement Agreement. The owner or operator shall sign the Settlement Agreement and return it to EPA as provided in the instructions. Subsequent signature by EPA constitutes issuance of the Compliance Order and approval of the Settlement Agreement. EPA reserves the right to withdraw this settlement offer at any time prior to signature by EPA.

Compliance Order

Under the authority of RCRA (42 U.S.C. §6991e), EPA finds that the owner or operator signing below is in violation of the UST regulations as described in Part 1, and orders the owner or operator signing below to correct the violations and pay a civil penalty in the full amount described in the Notice of Violation.

Settlement Agreement

The United States Environmental Protection Agency (EPA) offers this Settlement Agreement under its expedited enforcement procedures in order to settle the violations found in the Notice of Violation in Part 1 of this form subject to the following terms and conditions:

1. This Settlement Agreement is binding on the EPA and the Owner or Operator signing below.
2. The Owner or Operator signing below certifies, under threat of civil and criminal penalties for making a false submission to the United States Government, that the violations described in Part 1 have been corrected.
3. The Owner or Operator has presented EPA with a certified check to pay the full amount of penalties in accordance with the included instructions.
4. The Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to this Compliance Order/Settlement Agreement, the violations, penalty amount, and consents to EPA's issuance of this Compliance Order without further notice.
5. The Owner or Operator signing below waives the opportunity for a public hearing pursuant to Section 9006 of RCRA.
6. Upon EPA approval of this Settlement Agreement, EPA will take no further civil action against the Owner or Operator for the violations described in Part 1 provided that the violations have been corrected.
7. EPA does not waive its authority to take enforcement action for any violations of the UST requirements not described in Part 1. EPA does not waive its authority to issue Orders or enforce for violations under any other regulations or statutes.
8. This Settlement Agreement is effective upon EPA's final approval below. Upon final approval, EPA shall mail a copy of the approved Settlement Agreement to the Owner or Operator signing below.
9. Final approval of this Settlement Agreement is in the sole discretion of the EPA Regional Administrator, Region II, or authorized delegate.

SIGNATURE BY OWNER OR OPERATOR:

X [Signature] PREJ.  
(Name) (Title)  
\_\_\_\_\_  
(Signature) (Date)

Address: \_\_\_\_\_

EPA APPROVAL OF SETTLEMENT AGREEMENT AND  
ISSUANCE OF COMPLIANCE ORDER:

CHARLES HILLENBRAND CHIEF, GWCS  
(Name) (Title)  
[Signature] 1/20/05  
(Signature) (Date)





Mellon  
Bank

01-12-05 0360188 0188226 6 003 26

SECURITY ENHANCED DOCUMENT SEE BACK FOR DETAILS

FRANCO OIL CORP. 12-04 1006  
34 E. POST RD.  
WHITE PLAINS, NY 10601

PAY TO THE ORDER OF EPA DATE 1/10/05 1-1357/250 470  
One hundred sixty \$ 150.00  
00 DOLLARS

Commerce Bank America's Most Convenient Bank®  
1-800-YES-2000

FOR VIOL # II-VST-FC-1022

⑈000000⑈ ⑈000000⑈ ⑈000000⑈ ⑈000000⑈

1/10/05  
1/12/05  
MEMO OIL CRUISE #12

J. CROWLEY  
PM

**ALVIN PETROLEUM SYSTEMS, INC.**  
65-50 FRESH MEADOW LANE  
FLUSHING, NEW YORK 11365

**Description of work  
performed:**

12 27 04

Amoco 34 E. Post Rd

White Plains, NY

Check  $\frac{1}{2}$  system

Run clear + reprogram

check sensor status: All sensors normal

To check sensor status: hit [Function] 5x (3 times) Status

hit [print]

Made 3x being back to

All functions Normal

Be

AMOCO  
34 EAST POST RD.  
WHITE PLAINS, NY  
40830966105001

DEC 29, 2004 9:21 AM

3 WIRE CL STATUS

DEC 29, 2004 9:21 AM

H 1:PREMIUM SUMP  
SENSOR NORMAL

H 2:REGULAR SUMP  
SENSOR NORMAL

H 3:DIESEL SUMP  
SENSOR NORMAL

H 4:DISP. 2-4  
SENSOR NORMAL

H 5:DISP. 9-10  
SENSOR NORMAL

H 6:DISP. 11-12  
SENSOR NORMAL

H 7:DISP. 1-3  
SENSOR NORMAL

H 8:DISP. 6-8  
SENSOR NORMAL

H 9:DISP. 5-7  
SENSOR NORMAL

\* \* \* \* \* END \* \* \* \* \*

AMOCO  
34 EAST POST RD.  
WHITE PLAINS, NY  
40830966105001

DEC 29, 2004 9:21 AM

LIQUID STATUS

DEC 29, 2004 9:21 AM

L 1:PREMIUM ANNULAR  
SENSOR NORMAL

L 2:REGULAR ANNULAR  
SENSOR NORMAL

L 3:DIESEL ANNULAR  
SENSOR NORMAL

\* \* \* \* \* END \* \* \* \* \*



**TANKNOLOGY CERTIFICATE OF TESTING**  
8501 N MOPAC EXPRESSWAY, SUITE 400 AUSTIN, TEXAS 78759  
TELEPHONE (512) 451-6334 FAX (512) 459-1459

PURPOSE: REQUEST

**TEST RESULT SUMMARY REPORT**

TEST DATE: 12/28/04

WORK ORDER NUMBER: 7156815

CUSTOMER PO:

CLIENT: FRANCO OIL CORPORATION  
A/K/A WHITE PLAINS AMOCO  
34 EAST POST ROAD  
WHITE PLAINS, NY 10600

SITE: WHITE PLAINS AMOCO  
34 EAST POST ROAD  
PBS #  
WHITE PLAINS, NY 10600

(914)761-8618

TEST TYPE: TLD-1

**Product Pipe Tightness Test Results**

LINE	TYPE	TEST METHOD	TEST TYPE	TEST RESULT	TEST DATE	TEST TIME	TESTER
1	PREMIUM	ENVIROFLEX	PRESSURE				Y
2	REG UNLEAD	ENVIROFLEX	PRESSURE				Y
3	DIESEL	ENVIROFLEX	PRESSURE				Y

**Existing Line Leak Detector Test**

LINE	TYPE	TEST METHOD	TEST TYPE	TEST RESULT	TEST DATE	TEST TIME	TESTER
1	RED JACKET	FX1V	N/A	P			
2	RED JACKET	FX1	N/A	P			
3	RED JACKET	FX1-DV	N/A	P			

**New Replacement Line Leak Detector Test**

LINE	TYPE	TEST METHOD	TEST TYPE	TEST RESULT	TEST DATE	TEST TIME	TESTER

For owner detailed report information, visit [www.tanknology.com](http://www.tanknology.com) and select On-Line Reports-WRAP, or contact your local Tanknology office.

Tester Name: ANCIL ANTOINE

Technician Certification Number: NYC # 81465155



# INDIVIDUAL TANK INFORMATION AND TEST RESULTS



TEST DATE: 12/28/04  
CLIENT: FRANCO OIL

8501 N MOPAC EXPRESSWAY, SUITE 400  
AUSTIN, TEXAS 78759 (512) 451-6334

WORK ORDER NUMBER 7156815  
SITE: WHITE PLAINS AMOCO

## TANK INFORMATION

Tank ID: 1	Tank manifolded: NO	Bottom to top fill in inches: 135.0
Product: PREMIUM	Vent manifolded: NO	Bottom to grade in inches: 140.0
Capacity in gallons: 10,000	Vapor recovery manifolded: YES	Fill pipe length in inches: 43.0
Diameter in inches: 92.00	Overfill protection: YES	Fill pipe diameter in inches: 4.0
Length in inches: 352	Overspill protection: YES	Stage I vapor recovery: DUAL
Material: DW FIBERG	Installed: ATG	Stage II vapor recovery: ASSIST
	CP installed on: / /	

### COMMENTS

	Start (in)	End (in)
Dipped Water Level:		
Dipped Product Level:		
Probe Water Level:		
Ingress Detected: Water	Bubble	Ullage
Test time:		
Inclinometer reading:		
VacuTect Test Type:	NOT	
VacuTect Probe Entry Point:	TESTED	
Pressure Set Point:		
Tank water level in inches:		
Water table depth in inches:		
Determined by (method):		
Result:		

### COMMENTS

	New/passed L.D. #1	Failed/replaced L.D. #1	New/passed L.D. #2	Failed/replaced L.D. #2
Make:	RED JACKET			
Model:	FLIV			
S/N:	N/A			
Open time in sec:	0.01			
Holding psi:	18			
Resiliency cc:	300			NOT
Test leak rate ml/m:				TESTED
Metering psi:	20			
Calib. leak in gph:				
Results:	PASS			

### COMMENTS

## END TEST RESULTS

Material:	ENVIROFLEX
Diameter (in):	2.0
Length (ft):	40.0
Test psi:	
Bleedback cc:	
Test time (min):	NOT
Start time:	TESTED
End time:	TESTED
Final gph:	TESTED
Result:	TESTED
Pump type:	PRESSURE
Pump make:	RED JACKET

### COMMENTS

Impact Valves Operational: YES

# INDIVIDUAL TANK INFORMATION AND TEST RESULTS



TEST DATE: 12/28/04  
CLIENT: FRANCO OIL

8501 N MOPAC EXPRESSWAY, SUITE 400  
AUSTIN, TEXAS 78759 (512) 451-6334

WORK ORDER NUMBER 7156815  
SITE: WHITE PLAINS AMOCO

## TANK INFORMATION

Tank ID: 2	Tank manifolded: NO	Bottom to top fill in inches: 130.0
Product: REG UNLEAD	Vent manifolded: NO	Bottom to grade in inches: 134.0
Capacity in gallons: 10,000	Vapor recovery manifolded: YES	Fill pipe length in inches: 38.0
Diameter in inches: 92.00	Overfill protection: YES	Fill pipe diameter in inches: 4.0
Length in inches: 352	Overspill protection: YES	Stage I vapor recovery: DUAL
Material: DW FIBERG	Installed: ATG	Stage II vapor recovery: ASSIST
	CP installed on: / /	

### COMMENTS

	Start (in)	End (in)
Dipped Water Level:		
Dipped Product Level:		
Probe Water Level:		
Ingress Detected: Water	Bubble	Ullage
Test time:		
Inclinometer reading:		
VacuTect Test Type:	NOT	
VacuTect Probe Entry Point:	TESTED	
Pressure Set Point:		
Tank water level in inches:		
Water table depth in inches:		
Determined by (method):		
Result:		

### COMMENTS

	New/passed L.D. #1	Failed/replaced L.D. #1	New/passed L.D. #2	Failed/replaced L.D. #2
Make: RED JACKET				
Model: FX1				
S/N: N/A				
Open time in sec: 0.02				
Holding psi: 20				
Resiliency cc: 200				
Test leak rate ml/m:				NOT
Metering psi: 15				TESTED
Calib. leak in gph:				
Results: PASS				

### COMMENTS

Material: ENVIROFLEX  
Diameter (in): 2.0  
Length (ft): 35.0  
Test psi:  
Bleedback cc:  
Test time (min):  
Start time: NOT TESTED  
End time: NOT TESTED  
Final gph:  
Result:  
Pump type: PRESSURE  
Pump make: RED JACKET

### COMMENTS

Impact Valves Operational: YES



# INDIVIDUAL TANK INFORMATION AND TEST RESULTS



TEST DATE: 12/28/04  
CLIENT: FRANCO OIL

8501 N MOPAC EXPRESSWAY, SUITE 400  
AUSTIN, TEXAS 78759 (512) 451-6334

WORK ORDER NUMBER: 7156815  
SITE: WHITE PLAINS AMOCO

Tank ID: 3	Tank manifolded: NO	Bottom to top fill in inches: 154.0
Product: DIESEL	Vent manifolded: NO	Bottom to grade in inches: 160.0
Capacity in gallons: 6,000	Vapor recovery manifolded: NO	Fill pipe length in inches: 62.0
Diameter in inches: 92.00	Overfill protection: YES	Fill pipe diameter in inches: 4.0
Length in inches: 211	Overspill protection: YES	Stage I vapor recovery: NONE
Material: DW FIBERG	Installed: ATG	Stage II vapor recovery: NONE
CP installed on: / /		

COMMENTS

	Start (in)	End (in)
Dipped Water Level:		
Dipped Product Level:		
Probe Water Level:		
Ingress Detected:	Water	Bubble
Ullage		
Test time:		
Inclinometer reading:		
VacuTect Test Type:	NOT	
VacuTect Probe Entry Point:	TESTED	
Pressure Set Point:		
Tank water level in inches:		
Water table depth in inches:		
Determined by (method):		
Result:		

COMMENTS

2. CALLER ID		(DISPLAY/PRINT REPORT)	
New/passed	Failed/replaced	New/passed	Failed/replaced
L.D. #1	L.D. #1	L.D. #2	L.D. #2
Make: RED JACKET			
Model: FX1-DV			
S/N: K/A			
Open time in sec: 0.02			
Holding psi: 22			
Resiliency cc: 200			
Test leak rate ml/m:			
Metering psi: 15			
Calib. leak in gph:			
Results: PASS			

COMMENTS

## REPORT TYPE

Material: ENVIROPLEX  
Diameter (in): 2.0  
Length (ft): 35.0  
Test psi:  
Bleedback cc:  
Test time (min): NOT  
Start time: TESTED  
End time:  
Final gph:  
Result:  
Pump type: PRESSURE  
Pump make: RED JACKET

COMMENTS

Impact Valves Operational: YES

# SITE DIAGRAM



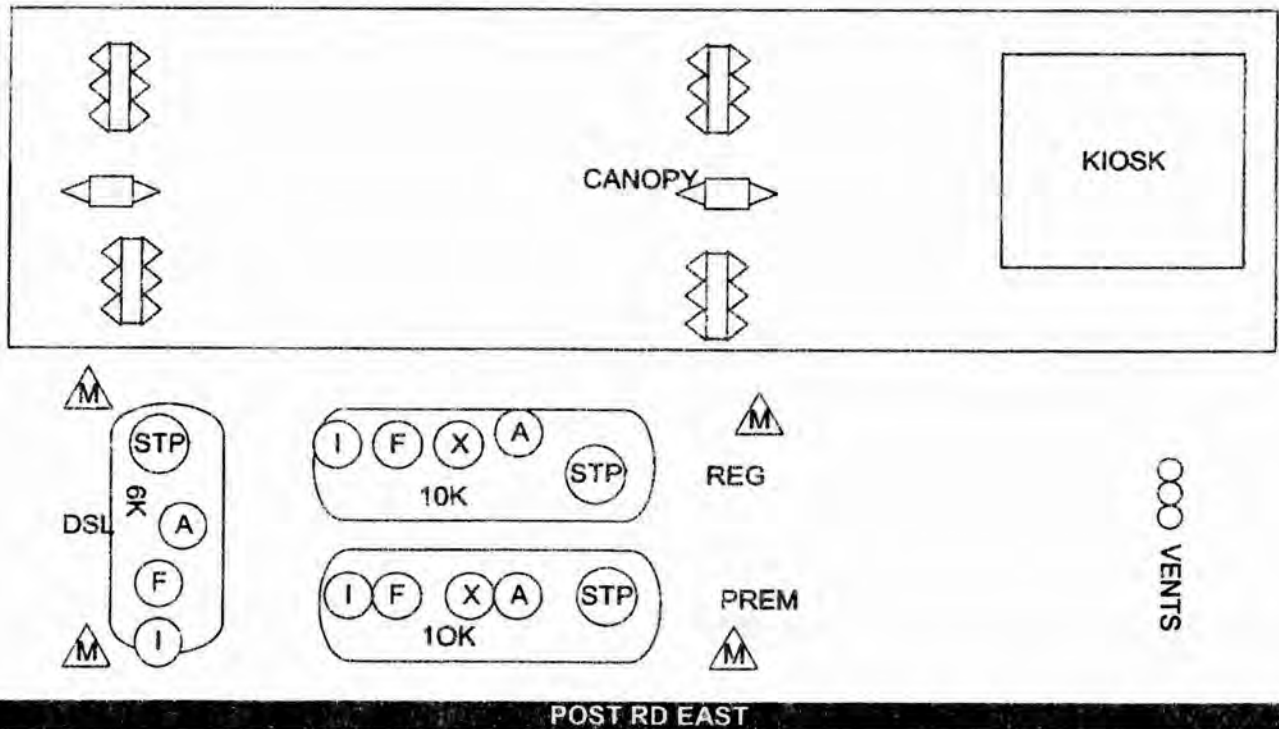
8501 N MOPAC EXPRESSWAY, SUITE 400  
AUSTIN, TEXAS 78759  
(512) 451-6334  
FAX (512) 459-1459

TEST DATE: 12/28/04

CLIENT: FRANCO OIL CORPORATION

WORK ORDER NUMBER 7156815

SITE: WHITE PLAINS AMOCO





UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

290 Broadway, New York, NY 10007-1866

Notice of Violation and Compliance Order/Settlement Agreement - Field Citation No: II-UST-FC-1022

PART 1

NOTICE OF VIOLATION

On Dec. 22, 2004 at 12:30 PM  
(Date) (Time)  
at the Facility: Marianina Oil Corp (Amoco SS)  
located at: 34 EAST POST Road  
White Plains, NY  
Registration/permit number: 3-601177  
in the presence of the Owner/Operator/On-Site Representative  
Syed Ali, ON SITE MGR

Title: \_\_\_\_\_  
an authorized representative of the United States Environmental Protection Agency (EPA) inspected this facility to determine compliance with underground storage tank (UST) regulations promulgated under Subtitle I of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), (42 U.S.C. § 6991 et seq.). During this inspection, the following violation(s) of the UST regulations were found with corresponding penalty amounts:

40 CFR 280. 44(a) Penalty: \$ 150.00

Violation: Failure to conduct annual  
Test of the operation of ALLDS.

40 CFR 280. \_\_\_\_\_ Penalty: \$ \_\_\_\_\_

Violation: \_\_\_\_\_

40 CFR 280. \_\_\_\_\_ Penalty: \$ \_\_\_\_\_

Violation: \_\_\_\_\_

40 CFR 280. \_\_\_\_\_ Penalty: \$ \_\_\_\_\_

Violation: \_\_\_\_\_

40 CFR 280. \_\_\_\_\_ Penalty: \$ \_\_\_\_\_

Violation: \_\_\_\_\_

Proposed Penalty Total: \$ \_\_\_\_\_

I have personally observed the above violations of the underground storage tank regulations.

[Signature] 12/22/04  
(Signature of EPA Inspector) (Date)

RECEIPT

I hereby acknowledge receipt of this Notice of Violation, Compliance Order/Settlement Agreement and Instructions.

[Signature] 12/22/04  
Signature of Owner, Operator or On-site Representative (Date)

SYED ALI

(Print Name)

PART 2

COMPLIANCE ORDER/SETTLEMENT AGREEMENT

This Compliance Order/Settlement Agreement is not effective until signed both by the owner or operator and EPA. By signing this Settlement Agreement, the owner or operator agrees not to challenge the issuance of the Compliance Order and accepts the terms of the Settlement Agreement. The owner or operator shall sign the Settlement Agreement and return it to EPA as provided in the instructions. Subsequent signature by EPA constitutes issuance of the Compliance Order and approval of the Settlement Agreement. EPA reserves the right to withdraw this settlement offer at any time prior to signature by EPA.

Compliance Order

Under the authority of RCRA (42 U.S.C. § 6991e), EPA finds that the owner or operator signing below is in violation of the UST regulations as described in Part 1, and orders the owner or operator signing below to correct the violations and pay a civil penalty in the full amount described in the Notice of Violation.

Settlement Agreement

The United States Environmental Protection Agency (EPA) offers this Settlement Agreement under its expedited enforcement procedures in order to settle the violations found in the Notice of Violation in Part 1 of this form subject to the following terms and conditions:

1. This Settlement Agreement is binding on the EPA and the Owner or Operator signing below.
2. The Owner or Operator signing below certifies, under threat of civil and criminal penalties for making a false submission to the United States Government, that the violations described in Part 1 have been corrected.
3. The Owner or Operator has presented EPA with a certified check to pay the full amount of penalties in accordance with the included instructions.
4. The Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to this Compliance Order/Settlement Agreement, the violations, penalty amount, and consents to EPA's issuance of this Compliance Order without further notice.
5. The Owner or Operator signing below waives the opportunity for a public hearing pursuant to Section 9006 of RCRA.
6. Upon EPA approval of this Settlement Agreement, EPA will take no further civil action against the Owner or Operator for the violations described in Part 1 provided that the violations have been corrected.
7. EPA does not waive its authority to take enforcement action for any violations of the UST requirements not described in Part 1. EPA does not waive its authority to issue Orders or enforce for violations under any other regulations or statutes.
8. This Settlement Agreement is effective upon EPA's final approval below. Upon final approval, EPA shall mail a copy of the approved Settlement Agreement to the Owner or Operator signing below.
9. Final approval of this Settlement Agreement is in the sole discretion of the EPA Regional Administrator, Region II, or authorized delegate.

SIGNATURE BY OWNER OR OPERATOR:

[Signature] [Title]  
(Signature) (Date)

Address: \_\_\_\_\_

EPA APPROVAL OF SETTLEMENT AGREEMENT AND  
ISSUANCE OF COMPLIANCE ORDER:

[Signature] [Title]  
(Signature) (Date)

(Signature)

(Date)



*Temporary  
Release detection for Tanks & Pipe*

**New York State Department of Environmental Conservation**  
**Division of Environmental Remediation, Spill Prevention & Response, Region 3**  
 21 South Putt Corners Road, New Paltz, New York 12561-1696  
 Phone: (845) 256-3166 Fax: (845) 255-2987  
**Website:** www.dec.state.ny.us



Erin M. Crotty  
Commissioner

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED**

7002 0460 0001 7295 0801

**\*\*\*NOTICE OF VIOLATION\*\*\***

July 02, 2002

Frank Codela  
 708 E. Boston Post Rd.  
 Mamaroneck, NY 10543

**Re: Petroleum Bulk Storage (PBS) Program Facility Inspection - 6 NYCRR Parts 612-614**

PBS #: 3-493430	Facility #: 1638	Case #: 314	Spill #:
3-601177			
Inspection #: 3-00350	County: WESTCHESTER		
Facility: White Plains Citgo			
34 East Post Road			
White Plains, NY 10601			

Dear Sir or Madam:

On Wednesday, April 3, 2002, I visited your facility to determine compliance with New York State's PBS regulations. The following violation(s) were identified during that inspection and need your immediate attention to bring your facility into compliance. Citations to the applicable regulations are noted in brackets and pertain to the tank(s) that is listed. A copy of the inspection summary and PBS Facility Information Report (FIR), if available, has been enclosed.

The law requires that you comply fully with the PBS regulations. This matter will be referred to this Department's Division of Environmental Enforcement for further action. You must correct all of the violations noted below within the stated time frame(s) and submit required documentation.

**Violations identified at your facility**

**(3) Existing Facilities - Ownership transfer not submitted - [Section 612.2]**

This PBS facility has not transferred ownership on the registration with NYSDEC. Enclosed is a PBS application form and instructions. Return the completed form with the appropriate fee to this office within 30 calendar days from the date of this letter.

**(7) PBS Registration Certificate - Accuracy of information - [Subdivision 612.2]**

The registration information is not current and valid. Enclosed is a PBS application form that you may use to correctly inform the Department of the status of your facility and/or the status of any particular tank. Return the completed form within 30 calendar days from the date of this letter.

**(30) No inventory records are being kept - [Section 613.4]**

Proper inventory records are not being kept for the above referenced tank(s). The operator of an underground storage tank must keep daily inventory records for the purpose of detecting leaks. Records must be kept for each tank (or battery of tanks if they are interconnected) and shall include measurements of bottom water levels, sales, use, deliveries, inventory on hand and losses or gains. Inventory records must be reconciled every 10 days. Submit the most recent 30 days of properly reconciled inventory records within 30 calendar days from the date of this letter.

UST('s) Tank #(s): 1,2,3

**(40) New underground tank leak detection - Monitoring at new USTs - [Section 614.5 and 613.5(b)(3)]**

Leak detection monitoring associated with the above referenced underground tank(s) is not being performed.

Regardless of the leak detection method used, the operator must check the system(s) at least weekly for evidence of leaks. Additionally, all leak monitoring systems must be inspected at least monthly to check for operability.

All new underground storage tanks, installed after 12/27/1986, must have one of the following leak detection systems:

(1) if the tank is double walled then the interstitial space must be monitored for leakage by either electronic or manual methods;

(2) an in-tank monitoring system; or

(3) an observation well or wells installed

Submit the last four weekly monitoring reports within 30 calendar days from the date of this letter.

## **Violations identified with respect to your tanks**

UST('s) Tank #(s): 1,2,3

**(53) New underground tanks and facilities - [Subdivision 614.5]**

This tank(s) does not have a leak monitoring system. A leak monitoring system must be installed. Within 30 days from the date of this letter, you must correct the foregoing violations and submit documentation of such corrective actions. If any of the foregoing corrective actions is not able to be completed within such time period, the tank(s) must be taken out of service in accordance with 613.9(a) until the above violation is corrected and a plan submitted to the Department for approval within 30 calendar days from the date of this letter. The plan must include a schedule for correcting the violations.

UST('s) Tank #(s): 1,2,3

**(56) Leak Detection - No interstitial monitoring - [Subdivision 614.5(b)]**

This tank is double-walled and therefore the interstitial space must be monitored weekly for leakage by either electronic or manual methods. Submit the last four weekly monitoring reports within 30 calendar days from the date of this letter.

## **Corrective Actions and Penalties**

As a result of these violations, you are subject to penalties. Pursuant to Environmental Conservation Law Section 71-1929, you may be liable for a civil penalty of up to \$25,000 per day for each of the above noted violations. The violations identified in this letter require your immediate attention. Delays in correcting the violations noted above will affect the amount of penalties for which you will be liable. In addition, under Environmental Conservation Law Section 71-1933, a person may be held criminally liable if any of the foregoing violations was the result of intentional, knowing or criminally negligent conduct.

Note that not all violations that exist at your site may have been observed. You are responsible for ensuring that the entire facility is in compliance with applicable requirements.

**Except where a shorter time frame is expressly required, within 30 calendar days from the date of this notice you must submit either documentation that the violation(s) has been corrected or a plan to achieve compliance, as noted above. In accordance with any corrective action plan, you must submit documentation after compliance is achieved.**

## **Federal Violations**

In addition, during the inspection of your facility, violations of the Federal EPA Underground Storage Tank regulations, 40 CFR Part 280, were observed. This information will be provided to EPA Region 2. Specifically, the following was observed:

(73) UST('s) Tank #(s): 1,2,3

The tank(s) does not have leak detection monitoring as required by 40 CFR Part 280.41(a).

Sincerely,



Wayne Wadsworth  
Environmental Engineering Technician 3

Attachments: Inspection Report  
Inventory Recordkeeping Reconciliation Worksheet  
PBS Application w/ Instructions

CC: CHRON - File

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